

Boston Sub

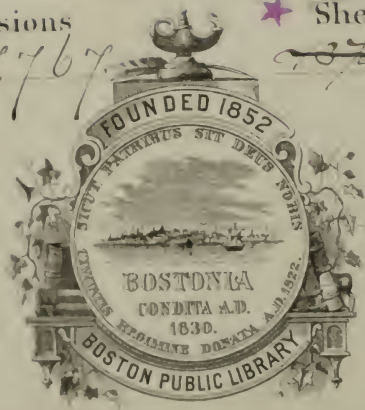
Accessions

57767

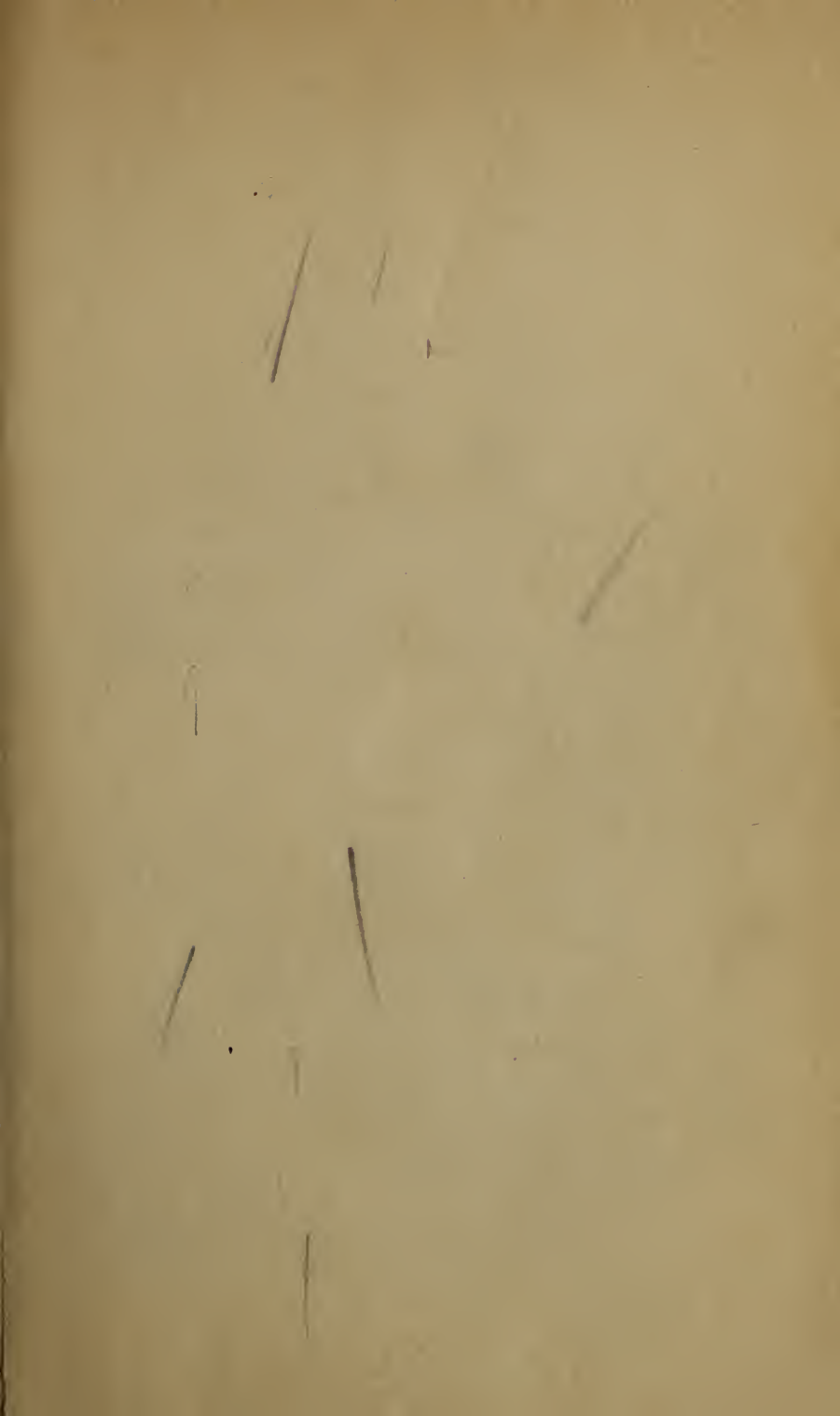


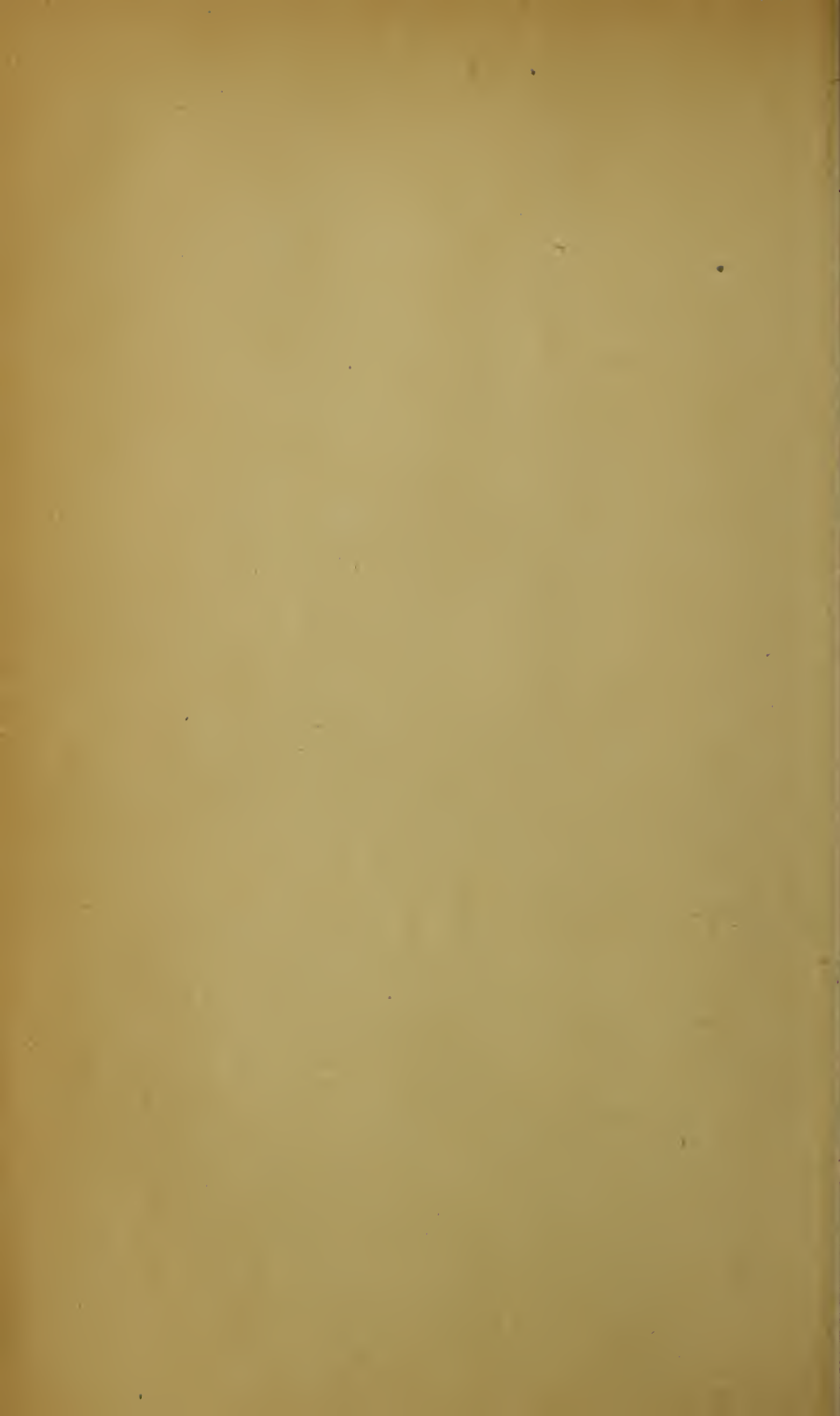
Shelf No.

~~372103~~



Received, Jan. 3, 1885.





REPORT

OF THE

COMMISSIONERS TO MANAGE

THE

YOSEMITE VALLEY

AND THE

Mariposa Big Tree Grove,

For the Years 1866-7.

SAN FRANCISCO.
TOWNE AND BACON.
1868.

REPORT.

TO HIS EXCELLENCY, F. F. LOW,

Governor of California:

SIR—As required by law, the “Commissioners to Manage the Yosemite Valley and Mariposa Big Tree Grove” beg leave to submit the following report:

The Senate and House of Representatives of the United States, by an Act approved June 30, 1864, granted to the State of California, on certain stipulated conditions, the Yosemite Valley and the Mariposa Grove of Big Trees; and, by an Act of its Legislature, the State accepted the same and pledged itself to the fulfillment of these conditions. In the language of the Act of Congress, the grant was accepted “on the express conditions that the premises shall be held for public use, resort and recreation, and shall be inalienable for all time.” It was also stipulated by Congress that the management of the premises thus granted should be in the hands of nine Commissioners, of whom the Governor of the State should be one, and who should also have the power to fill vacancies in the Board caused either by death, removal or resignation. To the Governor was also confided by Congress the power of appointing his eight associates, the first Commissioners, and this was done by Executive proclamation, dated September 28, 1864. The Commissioners first appointed were F. Law Olmsted, J. D. Whitney, William Ashburner, I. W. Raymond, E. S. Holden, Alexander Deering, George W. Coulter and Galen Clark, all of whom continue in office, with the exception of Mr. Olmsted, who has returned to the East and resigned his place, which has been filled by the appointment of Henry W. Cleaveland of San Francisco.

The surveys necessary to establish the boundaries of the grants in question, as required by the Act of Congress, were duly made in

the autumn of 1864, by King and Gardner, their notes filed in the office of the United States Surveyor-General of California, and the official plat of the same has been forwarded to Washington and accepted by the Commissioner of the General Land Office, and this plat is, in the language of the Act of Congress, the evidence of the locus, extent and limits of the grants of the Valley and the Grove. A map of the Yosemite Valley was drawn by Mr. Gardner, on a scale of two inches to one mile, showing the boundaries of the Yosemite Valley grant and the topography of its immediate vicinity. This map is now in the archives of the Commission, and has been loaned by them to the Geological Survey to be engraved for use in the publication authorized by the Legislature, of which some account will be given further on in this report. For the payment of King and Gardner, for the surveys necessary to establish the boundaries of the grant, an appropriation was made by the last Legislature.

At the first meeting of the Legislature of California after the passage of the Act of Congress making the grant to the State of the Yosemite Valley and Big Tree Grove, an Act was passed accepting the grant on the stipulated conditions, confirming the appointment of the Commissioners, organizing them into a body for legal purposes and empowering them to make regulations and by-laws for their own government. The Act of the Legislature also contained provisions making it a penal offense to commit depredations on the premises, and other sections in regard to further surveys in and about the Valley and the Grove. It also appropriated \$2,000 for carrying out the purposes of the Act, authorizing the appointment of a Guardian, whose salary should not exceed \$500 per annum.

Soon after the passage of the Act of the Legislature accepting the grant, and providing for the organization of the Commissioners, they met, at the call of the Governor, and organized themselves by the appointment of a President, Vice-President, Secretary, and Treasurer, and an Executive Committee. They also adopted a set of by-laws for their own government, a copy of which is attached to this report. Copies of all the other official documents cited above will also be found printed with the by-laws for convenient reference. The Commissioners furthermore appointed one of their number, Galen Clark, residing at Clark's ranch, near the Big Tree Grove, guardian of the grove and valley, fixing his salary at the maximum allowed by law, namely, \$500 per annum.

As by far the largest amount of work done in and about the valley, in consequence of the Act of the Legislature, has been executed by

the Geological Surveying Corps, reference will first be made to this branch of the subject.

By Section 5 of the Act of the Legislature accepting the grant of Congress, the State Geologist was authorized to make further explorations on the grants and in the adjacent region of the Sierra Nevada, for the purpose of preparing a full description of the country, with maps and illustrations, to be published and sold as other works issued by the Geological Survey are, namely, for the benefit of the Common School Fund of the State.

As early in 1865 as the season would permit, a party was organized by the State Geologist for the purpose of making a detailed geographical and geological survey of the region of the high Sierra adjacent to the Yosemite Valley. This party consisted of C. King, J. T. Gardner, H. N. Bolander, and C. R. Brinley, with two men employed to pack and cook. They commenced work early in June, and continued in the field until the latter end of October, being accompanied by the State Geologist during a portion of the time. Owing to unavoidable causes, this party was obliged to return from the field before the work was completed. But enough had been done to enable Mr. Gardner to commence and partly finish a map, and the following plan of publication was determined on by the State Geologist.

The work will consist of text, maps, and photographic and other illustrations, and two editions will be issued—one without photographs, the other with them. One will be called the "Yosemite Guide Book," the other the "Yosemite Gift Book." The Guide Book will contain the text of the Gift Book and the same maps, but the photographic illustrations will be omitted. The text will be such as will be suitable for a complete and thorough guide, or hand-book, to the Valley and its surroundings, including the high Sierra, and, in general, the region between Mariposa and Big Oak Flat on the west, and the head of the San Joaquin and Mono Lake on the east. The map of the region thus designated is drawn on a scale of two miles to one inch, and is thirty inches by twenty in size. It contains all the minute details of the topography of one of the most elevated and roughest portions of the State, and is the first accurate map of any high mountain region ever prepared in the United States.

The surveys for the completion of this map were continued during the months of August and September of the present year, by a party of the Geological Survey, in charge of C. F. Hoffmann, and the work is now complete, and the map ready for the engravers. The photographic illustrations, twenty-four in number, made by C. E. Watkins,

with the Dallmeyer lens of the Survey, are also all printed and delivered, and the work can be put to press as soon as the State Geologist has time to attend to it. It is believed that it will be one of the most elegant books ever issued from an American press, and that it will have no little influence in drawing attention to the stupendous scenery of the Yosemite and its vicinity.

Mr. Hoffmann and party also made a careful survey of the bottom of the valley, including all the land within the talus or débris fallen from the walls, and this work has been plotted on a scale of ten chains to one inch, making a map fifty inches by thirty in size, with the number of acres in each tract of meadow, timber and fern land designated upon it, and also the boundaries of the claims of the settlers in the valley, and the number of acres inclosed and claimed by them. This map was found to be necessary for the purposes of the Commission, and an appropriation will be asked for to pay the expense of the survey and of preparing the map.

The principal grove of trees in the Big Tree Grant has also been carefully surveyed by the State Geologist, assisted by Hoffmann, each tree of over one foot in diameter measured, and the height of a number of them accurately determined. There are in the main grove, of trees over one foot in diameter (that is, of the Big Trees or *Sequoia gigantea*), just three hundred and sixty-five, besides a great number of smaller ones. The trees thus measured have been plotted and numbered, so that their exact position and size relative to each other can be seen at a glance.

The Commissioners, seconded by the Geological Survey, have thus done all that is for the present requisite toward obtaining all the necessary statistical data in regard to the valley and grove, and for making this information public in an attractive form. It may be added that the Yosemite Guide-book and the Yosemite Gift-book will both be sold, as are other publications of the survey, and the proceeds paid into the treasury of State, for the benefit of the Common School Fund.

One of the important duties of the Commissioners is the care of the valley and grove, so as to secure them and their surroundings from devastation by fire, and from wanton injury by cutting down trees and defacing natural objects. The care of the Guardian has prevented fires from running in the Big Tree Grove, and to a considerable extent has protected the Valley from wanton injury. There have been instances, however, of the felling or mutilation of conspicuous and beautiful trees, which instances were not discovered

until after the offenders had left the valley and were far away from the place where the mischief was done. It is considered necessary by the Commissioners that there should be a Guardian and sub-Guardian, one or the other—during the season of visitors at least—always in or about the Valley and Big Tree Grove, in order to bring about entire safety and security that wanton damages will not be inflicted. It is also necessary that the Guardian and sub-Guardian should be endowed by the State with police or constabulary authority, so that offenders may be arrested on the spot where the mischief is done, as otherwise it will be entirely impossible for the Commissioners to answer for the safety of the property committed to their charge. The localities are so distant from the county-seat or residence of a magistrate, that it would be impossible for the Guardian, unless this change is made, to obtain a warrant for the arrest of the offenders and get back to the place where the offense was committed, until long after the offenders had left the valley.

Aside from wanton trespassers in the valley, there are other persons residing there to whose cases we will now direct attention. And, in order to understand the position of the parties in question, it will be necessary to go back and make a brief statement of the history of the discovery and settlement of the valley, which we will now proceed to do, relying on information furnished by persons who have been acquainted with the region since it was first explored by white men.

The Yosemite Valley was first discovered and entered by white men in March, 1852, and by a party commanded by Captain John Boling; this party was in pursuit of Indians, for the purpose of taking them to the Reservation on the Fresno. During the same year a party of miners came into the valley and were attacked by the Indians, and two of the whites killed. They were buried near the Bridal Veil Meadow. Some persons connected with Captain Boling's party communicated to the newspapers an account of the wonders of the valley, and especially of the Yosemite Fall, which was described as being "more than a thousand feet high." This notice meeting the eye of J. M. Hutchings, at that time engaged in collecting materials for the *California Magazine*, to illustrate the scenery of this State, he collected a party and made the first regular tourist's visit to the valley in the summer of 1855. This party was followed the same year by another from Mariposa, consisting of sixteen or eighteen persons. The next year (1856) the regular travel commenced, and the trail on the Mariposa side of the valley, from

White & Hatch's, was opened by Mann Brothers, at a cost of about \$700. This trail was purchased in 1859 by the citizens of Mariposa County and made free. The sum paid was \$200.

The first house was built in the Yosemite Valley, nearly opposite the Yosemite Fall, in the autumn of 1856; this is still standing, and has been usually known as the Lower Hotel. At the locality about half a mile farther up the valley, and now known as "Hutchings's Yosemite Hotel," a canvass house was built by G. A. Hite, in the spring of 1857, and in the spring of the next year the present house was built by Hite & Beardsley. They kept it as a public house that season, and it afterwards passed into the hands of Sullivan & Cashman, for debt. It was kept 1859-61 by Peck, then by Longhurst, and from 1864 by Hutchings, who came to the valley in the spring of that year, having purchased, or made arrangements to purchase, the house of Sullivan & Cashman. The claim, however, as far as the land is concerned, is supposed to have been the property of Hite & Beardsley, at least as much their property as a claim of that kind on unsurveyed land, and in that residence, could be that of any person. In the spring of 1857, Cunningham & Beardsley had a storehouse and shop a little above the present Hutchings' Hotel. The lower hotel was kept by John Neal in 1857, and by Cunningham from 1858 to 1861. In 1862-3 it was not occupied except by occasional stragglers. For the past three or four years it has been occupied by G. F. Leidig. J. C. Lamon took possession of the upper end of the valley, above Hutchings's, in 1860, and has continued to reside there since that time, being the only permanent resident in the valley prior to 1864.

At the time the Governor's proclamation was issued, namely, September 28, 1864, the persons residing in the valley and claiming rights there were J. C. Lamon and J. M. Hutchings. Ira B. Folsom also claimed to own the ferry across the Merced, and the ladders by which access is had to the summit of the Vernal Fall. There were probably other and conflicting claims to houses and land in the Valley; but, if such existed, the Commissioners have never been officially notified of them, nor would it have been in their power to recognize them, or to decide between them.

The claim of Lamon, as defined by himself and limited by his fences, occupies the upper part of the valley, at the junction of the Tenaya Fork with the main Merced River, and comprises 378.76 acres, of which about 149 acres are good meadow land, the remainder being chiefly a strong soil, covered with ferns to a consider-

able extent, and requiring a large amount of labor to reduce it to cultivation. Lamon has cleared and subdued about twenty acres, and planted a large number of fruit trees, and has been especially successful in raising berries of several kinds—especially strawberries, raspberries, and blackberries—which have found a ready market in the valley among the visitors. There is no question that Lamon would have had a clear claim as a preëmptionist under the United States laws, had this been ordinary surveyed land, or provided he had remained upon it until it was surveyed and sold, supposing it to have followed the usual course of United States surveyed lands. In view of the position of Lamon's claim, which is so situated that his buildings are not at all conspicuous in the valley, and of the useful character of the work done by him, the Commissioners did not hesitate in offering him the greatest privilege it was in their power to grant, namely—a lease of his premises for the term of ten years, at the nominal rent of \$1 per annum.

Hutchings's improvements consist of a small log house and a large barn and shed, with a garden and orchard, on the north side of the Merced, as well as the hotel on the south side, said to have been purchased of Sullivan & Cashman. Hutchings has resided permanently in the valley since the spring of 1864, but most of, if not all his improvements have been made since the Governor's proclamation was issued taking possession of the valley in the name of the State. It is fair to say, however, that Hutchings's improvements have been made with an eye to the preservation of the beauty of the valley unimpaired, so far as was consistent with his ideas of the amount of stock necessary to be kept for the use of the hotel. Hutchings's claim embraces 118.63 acres, chiefly of the best meadow land, and the best, or one of the best, sites for building in the valley. Considering the fact of Hutchings's long residence in this place, and of his evident desire to effect his improvements without injury to the picturesque appearance of his surroundings, and taking into view the small number of persons who up to this time have visited the Yosemite—so that keeping a public house has not been nor is likely for some time to be a matter of profit,* the Commissioners were dis-

* The largest number of visitors to the Yosemite was in 1866, when probably between six hundred and seven hundred persons were there, the number having been nearly double that of the previous year. In 1867 there were probably not more than four hundred and fifty persons in the valley. These numbers include persons camping as well as those stopping at the hotels. The causes of the smaller number of visitors during this year are supposed to be—first, the late-

posed to be as liberal to him as the powers intrusted to them would permit. They therefore offered him a lease for ten years of 160 acres of land, including the hotel and house, at a nominal rent. Hutchings, however, believing that he has a legal claim to a fee simple of the land occupied by himself, refused to accept a lease or to acknowledge the authority of the Commissioners, as did also Lamon. There has been, therefore, no alternative for the Commissioners, and they have commenced legal proceedings against both these gentlemen as trespassers, with the view of having the question decided (about which there seems to be no reasonable doubt) whether the State really is the proprietor of the grant made by Congress, or, in short, whether the United States have authority to dispose of the unsurveyed and unsold public land. It is not the desire of the Commissioners to put Lamon and Hutchings to any greater expense than is absolutely necessary to establish the validity of the claim of the State, and they regret that the necessity for legal action should have arisen.

The claim of Folsom to the ferry and ladders will be noticed, after speaking of the improvements made in the valley by the Commissioners, from the funds appropriated by the last Legislature. And this leads us to consider next the approaches to the Yosemite and the Big Trees, the trails and roads leading to the grants, and the facilities for visiting these places.

The Yosemite Valley is situated nearly due east from San Francisco, and distant in a direct line about 155 miles, but by the route usually traveled—*via* Stockton—it is about 260 miles. The main Merced River runs through the Valley, and access to it is therefore possible from both sides of the river. Not, however, by following up the river itself, as would naturally be supposed. This would be extremely difficult, if not impossible, as the river runs, for many miles below the Yosemite, through a narrow cañon with precipitous walls. To enter the Valley, therefore, it is necessary to rise fully 3,000 feet above it, and then to descend again, a practicable trail having been constructed from the north and south down its precipitous sides at the lower end. On the north side, the traveller may start from Big Oak Flat, or Coulterville, the latter being of late years the point usually selected.

ness of the season, the snow not having left the trail until late in June; second, the fact that nearly all the pleasure travel of the country has been attracted to Paris by the Exposition; and lastly, the general stagnation of business at the East.

Although there is a waggon-road from Coulterville as far as Black's seventeen miles, travellers generally start from the first-named place on horseback, ride seventeen miles, and stop at Black's over night, and the next day ride into the Valley, the total distance being forty-nine miles, of which seventeen are made the first day and thirty-two the second. The hotels in the Valley being both on the south side of the Merced, travellers arriving from Coulterville, until recently, had to cross by a ferry after descending into the Valley, as it is only rarely, and then very late in the season, that the river can be forded. This, the ferry noticed above, is claimed by Mr. Folsom, and is situated three-quarters of a mile below the lower hotel. It is possible, however, to ride up the Valley on the north side of the river, and cross at a bridge directly opposite Hutchings's hotel; but a portion of the trail is apt to be boggy and another part is very rocky, there being much the best ground for a road on the other side. To avoid the delay of the ferry, therefore, and to make it possible for visitors to ride entirely around the Valley, the Commissioners have had a substantial bridge erected at the foot of the Bridal Veil Meadow, not far from the place where the trail descends from the north. This will enable travellers to make the tour of the Valley, after the trail on the north side has been put in good order, and early in the season, when that side is boggy, to avoid inconvenience, and also to avoid the delay and expense of the ferry.

The Commissioners have also expended a small amount on the improvement of the trail from the Valley up the cañon of the Merced to the Vernal Fall, so that visitors can ride nearly to the foot of this fall, thus rendering a visit to this interesting portion of the Yosemite much easier than it has formerly been. They have also placed a bridge across the river above the Vernal Fall, making the trip to the summit of the Nevada Fall a matter of no great difficulty, this having been an extremely long and fatiguing trip before the bridge was built. The same bridge gives access to new and admirable views of the Nevada Fall and also to Mount Broderick, or the Cap of Liberty, and is, on the whole, a quite important addition to the convenience of travellers.

The building of the bridge at the lower end of the Valley does away with the necessity for a ferry, and the convenience of the public requires that a set of steps, or staircase, shall be erected at the Vernal Fall, in place of the present ladders, which are awkward; and perhaps even dangerous, for ladies to climb. The Commissioners propose, therefore, next year, to place a convenient and commodious

staircase near the present ladders, leading by an easy and safe ascent to the top of the fall.

Since the Valley came into the hands of the State but little has been done to improve the means of access to it from either the Coulterville or the Mariposa side. From Mariposa there is a waggon-road as far as White & Hatch's, and indeed some two miles farther, but persons usually take horses at Bear Valley or Mariposa. Last season, however, arrangements were made so that travellers could be driven to White & Hatch's, riding from there to Clark's the same day, if desired; the trail between these two last mentioned places is very good, so that it is not difficult for moderately good riders to make the trip from Mariposa to the Yosemite in two days, or in three, if one day be allowed for visiting the Big Trees, four miles from Clark's ranch.

The best method, undoubtedly, to see the Yosemite Valley and the Big Tree Grove, is for the traveller to make the round trip, starting from Coulterville and returning to Mariposa, or *vice versa*. The accommodations are good at Black's, on the Coulterville side, and at Clark's, on the other side, and these are the usual stopping places on the way in and out of the Valley. But as Black's is only seventeen miles from Coulterville, the distance is quite unequally divided on that side by the Half-way House, so that one day's ride is quite fatiguing, being about thirty-two miles. This may be avoided, however, by establishing a public house at Deer Flat and straightening the road, which now is extremely circuitous, the distance from Coulterville to Deer Flat being only a little over twelve miles in a direct line, while it is nearly double that by the present trail.

The trail on the Coulterville side passes the Bower Cave, a curiosity well worth seeing; while on the Mariposa side the views from the trail descending into the Valley are sublime, and such as cannot be obtained from any other points. It is for the traveller to decide whether he prefers getting these grand general views of the Valley after he has already been there, or on his way into it. If he wishes to have the whole grandeur of the Yosemite revealed to him at once, he will enter the Valley on the Mariposa side; if, on the other hand, he prefers to see the various points in succession, one after another, and then finally, as he leaves the Valley, to have these glorious general views as a kind of summing up of the whole, he will enter by the Coulterville and depart by the Mariposa side. In that case much the hardest day's work will be the second, or the ride from Black's into the Valley.

A waggon-road can be made without much difficulty from Black's to the edge of the Valley ; but to construct one into the Valley, down the cliffs on that side, would be extremely difficult and expensive, if indeed possible at all. On the south side a waggon-road can be made into the Valley, but the expense would be very considerable—probably not less than \$30,000. A considerable saving of time and labor, for those not accustomed to riding horseback, could be made by continuing the waggon-road from White & Hatch's to Clark's, which could, probably, be done in good shape, for about \$10,000.

The Commissioners do not, however, consider it any part of their duty to improve the approaches to the Valley or Big Trees. This may safely be left to the competition of the counties, towns and individuals interested in securing the travel. A small expenditure on either side will bring the Yosemite to within one day's easy ride on horseback—that is to say, easy for persons somewhat accustomed to mountain travel. And when a waggon-road shall have been extended from Coulterville to the brow of the Valley on that side, and to Clark's on the other, the trip need no longer be one which will over-fatigue travellers in ordinary health, provided they do not attempt to make the journey in the smallest possible number of days, thus sacrificing everything to the single idea of getting through the journey rapidly.

In the Valley, the Commissioners are desirous of continuing the work begun by them, of making all the most interesting points as accessible as possible, and of removing all obstacles to free circulation. The road around the Valley requires improving ; the trail to the Vernal Fall needs some additional work to make it secure ; a bridge must be built over the Illilouette fork, and a stair-case up the Vernal Fall. A bridge across the Merced at the upper end of the Valley, and one across the Tenaya Fork, are also desirable, and the Commissioners recommend an appropriation of \$1,200 to enable them to effect these improvements during the next two years.

The following is a summary of the above report :

1. The Commissioners propose to leave the improvement of the roads to the Big Trees and the Yosemite Valley to parties interested in increasing the amount of travel on either of the rival routes.

2. They desire to continue, on a moderate scale, the improvements in and about the Valley itself, for the purpose of rendering interesting points more accessible, and to remove all charges on visitors for trails, bridges, ladders, ferries, etc. For this purpose they

ask an appropriation of \$1,200, or \$600 for each of the next two years.

3. They propose to increase the salary of the Guardian so that he may pay an Assistant Guardian, and in order that one or the other of them may remain permanently in the Valley during the season of visitors. For this they ask authority and an appropriation of \$2,000, or \$1,000 per annum.

4. They also ask for \$800 to pay the necessary expenses incurred by them in preparing a plat and survey of the claims in the Valley, which has been found indispensable.

5. They intend to continue the legal investigation of the claims of the settlers in the Valley until the highest Court of law has decided on their value.

6. They leave it to the Legislature to say whether any remuneration shall be made to the settlers, Lamon and Hutchings, for damages done them by the action of Congress and the State in taking possession of the Valley.

7. They ask that police authority be given to the Guardian and sub-Guardian of the Yosemite Valley, so that offenders may be arrested at once, without the necessity of taking out a warrant at a place sixty miles distant from the spot where the offense was committed.

8. They ask for \$1,000 to pay the necessary travelling expenses of the Commissioners and all other incidental expenses during the next two years.

Summary of appropriations asked for: For surveys of claims and plot of Valley, \$800; for improvements in Valley, \$1,200; for pay of Guardian and assistant, \$2,000; for travelling and incidental expenses, \$1,000: total, \$5,000. The above is the smallest sum with which the business of the Commission can be carried on for the next two years.

The above is respectfully submitted, by order of the Board, together with the Treasurer's account of expenditures, as required by law.

J. D. WHITNEY,
Chairman of Executive Committee.

SAN FRANCISCO, November 14, 1867.



